

APPENDIX A: CLRA LEGISLATIVE DRAFTING HISTORY

Draft	Date	Section 1782(b)	Section 1784
First	--	--	--
Second	4/16/1970	--	(1785) A person may not be held liable in any action based on a method, act or practice declared to be unlawful by Section 1770 if the person shows, by a preponderance of the evidence, that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.
Third	5/22/1970	(b) Except as provided in subdivision (c), no action may be maintained under the provisions of Section 1780 if an appropriate correction, repair, replacement or other remedy is given or agreed to be given within a reasonable time, to the consumer within 30 days after the receipt of such notice.	(1785) A person may not be held liable in <i>In</i> any action based on a method, act or practice declared to be unlawful by Section 1770 if the person shows, by a preponderance of the evidence, <i>and not requiring intent as an element thereof, the court may consider in mitigation of damages</i> that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.
Fourth	5/27/1970	(b) Except as provided in subdivision (c), no action <i>for damages</i> may be maintained under the provisions of Section 1780 if an appropriate correction, repair, replacement or other remedy is given or agreed to be given within a reasonable time, to the consumer within 30 days after the receipt of such notice.	(1785) In any action based on a method, act or practice declared to be unlawful by Section 1770, and not requiring intent as an element thereof, the court may <i>shall</i> consider in mitigation of damages that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

Draft	Date	Section 1782(b)	Section 1784
Fifth	7/10/1970	(b) Except as provided in subdivision (c), no action for damages may be maintained under the provisions of Section 1780 if an appropriate correction, repair, replacement or other remedy is given or agreed to be given within a reasonable time, to the consumer within 30 days after the receipt of such notice.	(1785) In any action based on a method, act or practice declared to be unlawful by Section 1770, and not requiring intent as an element thereof, the court shall consider in mitigation of damages that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.
Sixth	8/7/1970	(b) Except as provided in subdivision (c), no action for damages may be maintained under the provisions of Section 1780 if an appropriate correction, repair, replacement or other remedy is given or agreed to be given within a reasonable time, to the consumer within 30 days after the receipt of such notice.	<p>In any action based on a method, act or practice declared to be unlawful by Section 1770, and not requiring intent as an element thereof, the court shall consider in mitigation of damages that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.</p> <p>No award of damages may be given in any action based on a method, act, or practice declared to be unlawful by Section 1770 if the person alleged to have employed or committed such method, act, or practice (a) proves by a preponderance of the evidence that such violation was not intentional and resulted from a bona fide error notwithstanding the use of reasonable procedures adopted to avoid any such error and (b) makes an appropriate correction, repair or replacement or other remedy of the goods and services according to the provisions of subdivisions (b) and (c) of Section 1782.</p>

Draft	Date	Section 1782(b)	Section 1784
Seventh	8/20/1970	(b) Except as provided in subdivision (c), no action for damages may be maintained under the provisions of Section 1780 if an appropriate correction, repair, replacement or other remedy is given or agreed to be given within a reasonable time, to the consumer within 30 days after the receipt of such notice.	No award of damages may be given in any action based on a method, act, or practice declared to be unlawful by Section 1770 if the person alleged to have employed or committed such method, act, or practice (a) proves by a preponderance of the evidence that such violation was not intentional and resulted from a bona fide error notwithstanding the use of reasonable procedures adopted to avoid any such error and (b) makes an appropriate correction, repair or replacement or other remedy of the goods and services according to the provisions of subdivisions (b) and (c) of Section 1782.